

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204  
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September 18, 2003

Grace Wu, President  
Eureca Institute  
120 West Cerritos Avenue, Bldg. 3  
Anaheim, CA 92805

Citation No. 03-04-0054

**CITATION**

Investigation of a complaint has revealed actions taken by you which violate sections of the law regulating the practice of physical therapy. A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

The Physical Therapy Board of California received a complaint alleging the unlicensed practice of physical therapy. Based on the allegations, the Board conducted an investigation and confirmed that Eureca Institute was providing physical therapy services by unlicensed individuals and services provided by unlicensed personnel without the required supervision of a licensed physical therapist.

**FIRST CAUSE FOR CITATION**

On or about December 18, 2002, an onsite was conducted by an expert consultant at Eureca Institute at 120 West Cerritos Avenue, Buildings 3 & 8, Anaheim, Ca 92805.

On or about this date of the onsite, you were interviewed by the expert consultant and you provided the names of Leslie Benson, PT, and Jen Lapipan, (This is the spelling provided by you on the date of the onsite) however, the correct name of the licensee is Mary Jane Lapitan, PT.

On or about the date of the inspection, the expert consultant reviewed five (five) patient charts and found the names of Leslie Benson, Jen Lapipan (Incorrect spelling of name) & Dhruti Shah providing evaluations and discharge summaries.

You stated to the expert consultant that Eureca Inst. Provides "intensive physical therapy" by "physical therapist" from Poland using modalities developed in Poland.

Patient 1 N.P., findings: PT evaluation dated 1/28/02 by Leslie Benson, PT; PT discharge evaluation dated 2/5/02 by Dhruti Shah, PT; treatments to patient dated 1/28, 1/29, 1/30, 1/31, 2/1, 2/4, 2/5, 2/6, 2/7 and 2/8. However, there were no signatures on treatment records, no documentation of supervision by a licensed physical therapist, billing information (billing codes of 97001, 97112, 97530, 97110 and 97124) was provided so that family could submit claims to Blue Cross for reimbursement. Family was charged \$3250 in which family paid up front prior to treatment.

2<sup>nd</sup> PT evaluation dated 6/3/02 by Leslie Benson, PT, and the discharge summary dated 6/28/02 by Leslie Benson, PT. Patient seen 7/17, 6/18, 6/19, 6/20, 6/21, 6/24, 6/25, 6/26, 6/27 and 6/28. No co-signatures on daily treatment notes and no documentation of supervision by a licensed P.T. Billing information to bill Blue Cross using procedure codes 97001, 97112, 97530, 97110 and 97124 and charges again of \$3,250.

The above constitutes a violation of section 2660 (j)(k) of the Business and Professions Code in that you aided and abetted the unlicensed practice of physical therapy .

### **SECOND CAUSE FOR CITATION**

Patient 2 W.Y. findings: PT evaluation dated 9/6/01 and discharge evaluation dated 10/18/01. Treatments dated 9/6/01, 9/7, 9/10, 9/11, 9/12, 9/13, 9/14n 9/17n 9/18n 9/19, 9/20, 9/21m 9/24, 9/25, 9/26, 9/27m 9/28, 10/1 -3, 10/5 and 10/6; all entries do not have signatures on daily treatments and no documentation of the required supervision of a licensed physical therapist. Procedure billing codes include 97001, 97112, 97530, 97110 and 97124, total charges of \$6,500.

2<sup>nd</sup> evaluation dated 7/29/02 and discharge evaluation dated 8/23/02 signed by Leslie Benson, PT. Treatments dated 7/29/02, 7/30, 7/31, 8/1/-2, 8/5-9m 8/12-16, 8/19-23/02. All entries do not have signatures on daily treatment records and no documentation of the required supervision of a licensed physical therapist. Procedure billing codes include 97001, 97112, 97530, 97110 and 97124, total charges of \$6,500.

The above constitutes a violation of section 2660 (j)(k) of the Business and Professions Code in that you aided and abetted the unlicensed practice of physical therapy .

### **THIRD CAUSE FOR CITATION**

Patient 3 E.J. findings: PT evaluation dated 4/9/02 and discharge evaluation dated 6/9/02. Treatments dated 4/8-12, 4/15-19, 4/22, 4/24-26, 4/29-30, 5/1-3/02; All entries have no signatures on daily treatment records and no documentation of supervision of a licensed physical therapist. Procedure billing codes include 97001, 97001, 97112, 97530, 97110 and 97124, total charges of \$6,500.

2<sup>nd</sup> evaluation dated 10/30, 02 and discharge evaluation dated 11/13/02 signed by Jen Lapipan. (Incorrect spelling of licensee) Treatments dated 10/21-25, 10/28-31,

11/1, 11/4-8, 11/11-15/02. All entries do not have signatures on daily treatment records and no documentation of the required supervision of a licensed physical therapist. Procedure billing codes include 97001, 97112, 97530, 97110 and 97124, total charges of \$6,500.

The above constitutes a violation of section 2660 (j)(k) of the Business and Professions Code in that you aided and abetted the unlicensed practice of physical therapy in that you aided and abetted the unlicensed practice of physical therapy.

#### **FOURTH CAUSE FOR CITATION**

Patient 4 Z.T. findings: PT evaluation dated 8/26/02 signed by Leslie Benson, PT and discharge summary dated 9/17/02 signed by Dhruti Shah, PT. Treatments dated 8/26-27/02, 8/29, 8/30, 9/3-7, 9/9-13, 9/16-20. All entries do not have signatures on daily treatment records and no documentation of the required supervision of a licensed physical therapist. Procedure billing codes include 97001, 97112, 97530, 97110 and 97124, total charges of \$6,500.

The above constitutes a violation of section 2660 (j)(k) of the Business and Professions Code in that you aided and abetted the unlicensed practice of physical therapy .

#### **FIFTH CAUSE FOR CITATION**

Patient 5 T.L.,III findings: PT evaluation dated 9/6/02 signed by Leslie Benson, PT and discharge summary dated 12/7/02 signed by Dhruti Shah, PT. Information on treatments was consistent with that found on the above named four patients.

The above constitutes a violation of section 2660 (j)(k) of the Business and Professions Code in that you aided and abetted the unlicensed practice of physical therapy .

#### **ORDER**

Further, **you are ordered to pay a fine of \$2,500** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

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**FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR  
TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIMES  
INDICATED WILL WAIVE YOUR RIGHT TO ADMINISTRATIVELY CONTEST  
OR APPEAL THIS CITATION.**

Administrative Fine

\$ 2,500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,  
PLEASE RETURN THE COPY OF THE CITATION  
AND NOTE THE CITATION NUMBER ON YOUR CHECK  
OR MONEY ORDER.

September 18, 2003  
Date

Original Signed By:

STEVEN K. HARTZELL  
Executive Officer



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**ORDER OF ABATEMENT**

September 18, 2003

Citation Against: Grace Wu

Citation No. 03-04-0054

Cause No. 1-5

Violations: Business and Professions Code Section 2660 (j)(k) .

Description:

Business and Professions Code 2660 (j)  
Aiding and abetting a violation of the Physical Therapy Practice Act

Business and Professions Code 2660 (k)  
Aiding and Abetting the unlawful practice of physical therapy

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.